

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

Civil Action No. 3:17CV000089
Judge: Norman K. Moon

Christophor Cantwell,
Plaintiff,
v.
Emily Gorcenski et al.
Defendant.

Declaration of David Rother

1. I am David Rother. I am over the age of 18 and competent to testify. I make this declaration of my own personal knowledge.

2. I was present at the Jefferson Monument at UVA on the night of August 11, 2017.
3. Some brawls broke out. I was slightly behind Chris Cantwell, and to his right.
4. The person referred to as Beanyman and another person attacked a man in a white tank top shirt, who knocked Beanyman to the ground.
5. Beanyman popped up very quickly and aggressively and charged towards Mr. Cantwell, As Beanyman was coming forward, the people behind him were screaming and coming forward as well.
6. Beanyman coming right at Chris with a clenched fist. His face was enraged, furious, teeth clenched. If I was standing where Chris was standing and he was coming at me in that manner I would be ready to defend myself.

7. I was glad Chris stopped their charge. I had already seen violence break out. I mean, throughout the whole thing I had my hands out in this manner to say "Please don't come any closer."

8. I was 3 or 4 feet to Cantwell's right when the guy in the orange sleeves attacked, and was not affected nor even smelled any pepper spray at or around that time.

9. I have reviewed the Unicorn Riot video, and it is an accurate record of my actions. MP 26, 27, and 28 are from the Unicorn Riot Video.

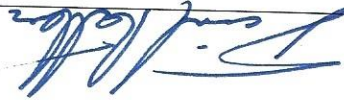
10. When the guy in the orange sleeves redirected his attack, Chris followed him, and I followed Chris Cantwell, with my hand on his back. There was a jam up at the southeast corner of the monument and I went behind Chris and put my hand on the west face of the monument.

11. I have reviewed the Baked Alaska Raw footage video and to the extent I appear in it, it is an accurate record of my actions.

12. When my hand was on the west face of the monument, I saw Beanyman trying to spray Chris as he, Chris, went past the southeast corner, but Beanyman's spray malfunctioned. I pushed Beanyman off of the southwest corner of the monument. When I went around the southwest corner two seconds later, Beanyman sprayed a man in a white shirt with a distinctive haircut and I got part of the blast. I retreated out of the fight.

13. I declare under penalty of perjury that the foregoing is true and correct. Executed on

4-14-18



David Rother